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MR. PRESIDENT :—" Does the hon. Member know the meaning of the word 'Agraham'? It means perseverence and not anger."

SRI B. NARAYANASWAMI NAYUDU :—" I do not know; perhaps 'Agraham' may be called indignation or anger. Whatever it is, the real point is that *Satyam* is divorced from *Satyagraham* and only *Agraham* is maintained. Please determine the amount that is due and then fine him or put him in jail. What is put in is *Duragraha*. Is it jurisprudence? I say, the Magistrate should be given the power to find out whether the tax that is demanded is really the tax that is due."

Clause 2 was put and carried.

Clauses 3 and 1 and the preamble were put and carried.

THE HON. SRI B. GOPALA REDDI :—" I move—

'*that the Bill be passed into law*'."

SRI B. NARAYANASWAMI NAYUDU :—" Sir, the Hon. Minister for Finance must be congratulated on calling this Bill a small Bill, a very innocuous Bill. If you don't pay 'any tax that is demanded', you will be fined only one thousand rupees! If you don't pay that, you will only go to jail. That is all. Really, it is avery innocuous Bill!"

The motion was put and carried.

(6) THE MADRAS CIVIL COURTS (AMENDMENT) BILL, 1948 (L.A. BILL NO. 17 OF 1948)

THE HON. SRI K. MADHAVA MENON :—" Sir, the Bill that I am going to move is also a very small Bill and I am sure it will have the support of even super-critics like Mr. Narayanaswami Nayudu. I move—

'*that the Madras Civil Courts (Amendment) Bill, 1948 (L.A. Bill No. 17 of 1948)* [a] *as passed by the Legislative Assembly be taken into consideration at once.*'

" At present there is no permanent sub-court attached to any of the District Courts in the Ceded districts. Accumulation of work in any of the District Courts is met by the establishment of temporary sub-court for short periods. This procedure is cumbersome, and the High Court has recommended the establishment of a permanent Sub-Judge's Court for the Ceded districts as a whole, it being left to the High Court to determine from time to time in which of the districts and for what periods the court should sit. The object of this Bill is to amend the Madras Civil Courts Act, 1873, so as to permit of the appointment of one Subordinate Judge for two or more districts. The Subordinate Judge will hold his court in each of the districts for such period as may be fixed by the High Court. The court will have no original jurisdiction. It

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[a] Printed as Appendix VI on page 212 infra.

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shall try or dispose of only such suits, appeals and other proceedings as may be transferred to it by the District Judge concerned. It is only to facilitate the disposal of accumulated work in places where there is no scope for a permanent sub-court but where work has got to be disposed of that this Bill has been brought forward."

* SRI B. BHIMA RAO :—" Mr. President, Sir, I am glad that the Government have brought forward this measure at least at this late stage. This measure had been recommended thirty years ago by Mr. Phillips, District Judge of Bellary, who afterwards became a High Court Judge. The work in the four districts is just sufficient for a permanent Subordinate Judge. As soon as he finishes his work in a particular district, he goes to the other district. I feel that this is a very necessary measure.

" I have got to make only one suggestion in the interests of the administration of justice. My suggestion is that no native of Rayalaseema should be appointed as a Sub-Judge in that area. It is in the interests of the people themselves. Some of those who worked under me as juniors are now acting as Sub-Judges and they will not thank me for making this suggestion in this House. I know that. Still, in the interests of the people and the purity of the administration of justice, I make bold to make this suggestion in this House."

MR. PRESIDENT :—" Is this Bill meant only for the Ceded districts? "

THE HON SRI K. MADHAVA MENON :—" This Bill gives general power to the Government to appoint one Subordinate Judge for two or more districts."

SRI B. BHIMA RAO :—" I do not know that. Anyway, this point can be borne in mind in the selection of Subordinate Judges for the Ceded districts. Judiciary is one of those departments which are crystal clear, absolutely pure and beyond criticism, and I want that that clearness and purity should be maintained. It is with that view that I make this suggestion."

SRI N. RANGA REDDI :—" Mr. President, Sir, while supporting the Bill, I would like to oppose the suggestion made by Mr. Bhima Rao. I cannot subscribe to the proposition that a person hailing from Rayalseema should not be posted as a Subordinate Judge in that area."

MR. PRESIDENT :—" I think that he has withdrawn from that position."

SRI N. RANGA REDDI :—" No, he has not withdrawn; he still maintains that a person hailing from Rayalaseema should not be posted as a Sub-Judge in that area. Sub-Judges are selected for their probity and integrity, irrespective of caste, creed or community."

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MR. PRESIDENT :—" Does the hon. Member mean that a native of a district should not be posted in that district or whether he should not be posted to any of the Rayalaseema districts? That is, a man from Cuddapah should not be posted to Anantapur."

SRI B. BHIMA RAO :—" By relationship, by friendship or by other ties, there is close affinity among the people of the four districts. That is why I said that a native of Rayalaseema should not be posted anywhere in that area. In the best interests of the administration of justice only, I make the suggestion."

MR. PRESIDENT (after a moment's hesitation) :—" I suppose you include Chittoor also in the dictum. Yes; you can continue. I am taking time to recover from the shock."

SRI N. RANGA REDDI :—" If the proposition of my hon. Friend is carried to its logical conclusion, we are not fit to have Swaraj. We should always be ruled by Englishmen or Germans or by anybody outside India, as otherwise we cannot have justice. That is the proposition which my hon. Friend wants to maintain in the 20th century and in 1948. If we cannot administer justice to our own people, I do not think we are fit for Swaraj. I am really sorry that such a proposition has been put forward by a Member of this House who has had considerable experience at the Bar. I do not think the Congress Government will give serious thought to a proposition of that sort."

SRI R. SURYANARAYANA RAO :—" I too must strongly protest against the insinuation contained in the suggestion of Mr. Bhima Rao. Are we, the people of the Ceded districts, so low in character as to be influenced by other considerations in arriving at decisions? Are we the only people of depraved character or are there others also? Does he seriously suggest that a Malayalee should not be posted to Malabar? I am surprised that Mr. Bhima Rao with his experience in public life and as a lawyer of many years' standing, should have put forward the suggestion. As Mr. Ranga Reddi said, I hope the Government will not take such suggestions seriously. The object of the Bill is quite different from the object with which the suggestion is being made."

THE HON. SRI K. MADHAVA MENON :—" Mr. President, Sir, the Bill only seeks to amend the Madras Civil Courts Act, 1873, so as to permit of the appointment of one Subordinate Judge for two or more districts. Mr. Bhima Rao's suggestion that a native of Rayalaseema should not be posted as a Subordinate Judge in any of the five districts in Rayalaseema took my breath away. Apart from that, the appointment and postings of Subordinate Judges are mostly done on the recommendations of the High Court and not by the Government themselves. The proposition leads to this that a Madrassi cannot be a Judge of the Madras High Court,

because he may have relatives in the province, and a Malayalee cannot be a District Judge in Malabar and so on. I think that Mr. Bhima Rao has not fully understood the implications of what he said. His lack of confidence in his Rayalaseema friends is a matter to be deplored."

The motion was put and carried.

Clauses 2 and 1 and the preamble were put and carried.

THE HON. SRI K. MADHAVA MENON :—" Sir, I move—
' *that the Bill be passed into law* '."

4-50 p.m. The motion was put and carried.

The House then adjourned to meet again at 11 a.m. the next day.

VI.—PAPERS LAID ON THE TABLE OF THE HOUSE.

1. *Notification appended to G.O. No. 291, L.A., dated the 20th February 1948, constituting a municipality and excluding the area defined in the Schedule from the jurisdiction of the East Godavari District Board.*

2. *G.O. No. 276, Finance, dated 30th March 1948, relating to the Schedule of the Third Supplementary Statement of authorized further expenditure for 1947-48 as authenticated by His Excellency the Governor.*

3. *G.O. No. 308, Finance, dated the 31st March 1948, relating to the Schedule of authorized expenditure for 1948-49 as authenticated by His Excellency the Governor.*

4. *Notification appended to G.O. No. 428, L.A., dated the 8th Marhc 1948, relating to the constitution of the Chirala (Guntur) Municipality.*

5. *The Madras Re-enacting and Repealing (No. I) Bill, 194 , (L.A. Bill No 3 of 1948) as passed by the Legislative Assembly and revived therefrom in the Council.*

6. *The Madras Re-enacting (No. II) Bill, 1948 (L.A. Bill No. 6 of 1948) as passed by the Legislative Assembly and received therefrom in the Council.*

7. *The Madras Tobacco Taxation of Sales and Licensing (Re-enacting) Bill, 1948 (L.A. Bill No. 12 of 1948) as passed by the Legislative Assembly and received therefrom in the Council.*

8. *The Madras Restriction of Habitual Offenders Bill (L.A. Bill No. 13 of 1948) as passed by the Legislative Assembly and received therefrom in the Council.*